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THE PAST—THE PRESENT—FOR THE FUTURE.

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☞The second session of the 17th congress approaches, and many highly important documents may be expected to be laid before it. To prepare for them, we have been diligent to relieve our files of stock matter as much as possible, and now insert a *correct* copy of the new constitution of New York, as promised. The census of 1820, as designed to be published in detail, is yet on hand—the cause which delayed its insertion still exists; but we hope soon to give it a place in a satisfactory manner, convenient for general and comparative reference.

PRESIDENTIAL ELECTION. We stated in our last, some of the many important objections that might be offered to the selection of a president of the United States, by *states*, in the house of representatives. Since then we have noticed the following letter, as published in the Washington Gazette, the editor of which pledges himself for its authenticity—It was from the late *James A. Bayard*, esq. at that time the sole representative from Delaware, to one of his friends in Wilmington.

Washington, 17th February, 1801.

"DEAR SIR—Mr. Jefferson is our president—Our opposition was continued till it was demonstrated that Burr could not be brought in, and even if he could he meant to come in as a democrat.

"In such case, to evidence his sincerity, he must have swept every officer in the United States. I have direct information that Mr. Jefferson will not pursue that plan. *The New England gentlemen came out, and declared they meant to go without a constitution and take the risk of a civil war.* They agreed, that those who would not agree to incur such an extremity ought to recede without loss of time. We pressed them to go with us and preserve unity in our measures.

"After great agitation and much heat, all agreed but one. But in consequence of his standing out, the others refused to abandon their old ground. Mr. J. did not get a federal vote. Vermont gave a vote by means of Morris withdrawing. The same thing happened with Maryland. The votes of S. Carolina and Delaware were blank. Your obedient servant.

[Signed] J. A. B.

☞The authenticity of this letter is not doubted, though it is rather surprizing that a person of Mr Bayard's great caution should have committed such things to paper. The editor of the Register, though he had no intimacy with Mr. Bayard, has oftentimes met him in companies in which there was much freedom of conversation, and heard him frankly express his utter detestation of the proceedings had at Washington during the contested election for president in 1801, regretting that the force of party feeling had led him to take some part therein. Mr. Bayard was a decided partizan (as almost every man was at that time), but he was also a true patriot, as was shewn on the great occasion above alluded to, but more clearly manifested just before the late war with Great Britain. The history of a certain meeting held at ———, is probably lost; but his firmness therein, and his devotion to his country rather than a love of power at that time clearly indicated, possibly preserved us from "an illiad of woes."

☞The more I think on the subject, the more am I convinced of the propriety of the plan suggested in the last REGISTER, by an old member of congress, that that body should meet, pass such laws as may be necessary to keep the government a-going, and then adjourn until the Monday preceding the day on which the votes for a new president are to be counted! For, the fact is, that the business of *president-making*, like the curse of the frogs in Egypt, is, or is supposed to be, in every matter and thing of national policy. No general measure, if it has regard to whatever pertains to the affairs of three of the great departments of government, can be approved or disapproved,—nay, documents or authentic papers can hardly be called for in congress, or published in regular course in a newspaper, without rendering persons liable to the suspicion of having yoked themselves to the car of this man or that. This is a serious misfortune; and it seems that, for the period of two years, we may be essentially denied the benefits of free and liberal discussion, through partizan jealousies and personal feelings!

The REGISTER has been, at different times and by different persons, suspected of being devoted to the exaltation of at least *three* individuals, because that we thought it our duty *fully* to represent the character of certain transactions in which the people were interested. The proprietor has only to say that WHEN he shall take a part, *as an editor*, nothing shall be left to inference—until *then*, and then also, all public papers and matters that are important to the public intelligence, shall be inserted just as they have been heretofore, without the least consideration whether they affect the pretensions of any one to the presidency or not.

A warmth of discussion has been already excited that is to be regretted; and the fact surely is, that at least two of those who are held up as candidates have suffered, and are suffering, in the public estimation, through the indiscretion of their "good natured friends." The mind of the people is not yet prepared to act on the occasion, much less inclined to receive invective for argument, or fulsome praise for ability—and those interested will find, though they may *seem* to lead when public opinion is with them, that the people's good sense and sober judgment cannot be carried by storm. The selection of a president is a grave and solemn matter, and will not be hastily decided on.

ANTI-NATIONAL. It is a true saying that "straws shew which way the wind blows"—and we find "straws" flying in too many parts of our country that indicate a *foreign* wind. The following is "*e pluribus unum*"—one of many: In a notice of the valuable line of packets that ply between New-York and Liverpool, but owned in the *first named city*, we see it mentioned that the price of the passage, in the cabin, is thirty-five *guineas*, for which money accommodations of the best quality are provided, &c.

Now, what do we, Americans, know of guineas? They are not money of account, and perhaps one person out of a thousand of us does not see one in a twelve-month. The proprietors might as well have said so many livres, maravedies, rubles, guilders, rupees, cruitzers, pistoles, pagodas, tales

or maces—for, in either case, the *American*, accustomed to dollars and cents, would have to take his pen and *calculate* what he should have to pay for his passage: thus saying, a guinea is twenty-one *shillings* sterling money of Great Britain, thirty-five *guineas* are 735 shillings, which divided by 20, (for there are 20 shillings in a *pound*), give thirty-six pounds fifteen shillings—the pound is four dollars and forty four cents, as established by law for the collection of duties, &c. and so 36*l.* 15*s.* are one hundred and sixty-three *dollars* and seventeen cts.

Now, I like that strange simplicity of heart and generous attachment to his *nation*, that is ascribed by Smollet to his com. Trunnion; who directed that his own epitaph should be put down in plain *English*, for the reasons he stated, though we must smile at the notion conveyed—and, when *an American* speaks to me, I wish him to select terms that correspond with my ideas of things, *as an American*. Indeed, it is contrary to the rules of good breeding to use any other; and, as being at war with the progress of a *national* feeling, it ought to be deprecated. In England, and to Englishmen, the use of the term "guineas," is right and proper; but in America, and to Americans, it is as absurd as it is rude and self disrespectful.

ROTATION IN OFFICE. A late number of the Richmond *Enquirer* contains a sound article on "rotation in office," though the policy of it is so much opposed in the present day—for the reason that the possessors of office have so much controul over the press. A good and faithful public servant should not be heedlessly ejected—but there is right and reason in a practice which shall teach all such that they are *only* public servants, not *possessors* of the public revenue—as many seem to think that they are, because they have enjoyed a portion of it so long.

The writer says—"In the abstract it has not yet been denied, that a frequent recurrence to first principles, is the surest way to preserve uncorrupted and unchanged the government of a free people. Men are the elements or principles of which a people in the aggregate are composed—and if men were incorruptible in their nature—no matter how long or how remote their employment from the people; longer practice in their various posts would only improve their dexterity and usefulness in service. But alas! men in their course too nearly resemble the elements of those *descending* streams—which have flowed to too great a distance from their native fountains. They cease to partake of their original simplicity and purity—and become open to the influence of every new combination, pure or impure—which may assail them, through their various assailable points. The people are the sole accredited fountain of all power in America alone; and the will of the people must be to promote their own good. It would be a solecism in principles to suppose—in terms to assert, that a people could meditate their own injury. It is only where partial wills from partial views, are made to usurp the general will, that the councils of a popular government can err. Can any better plan be devised to prevent this, than a frequent recurrence of public servants to the nature and condition of their constituents?"

The rest of the article is pretty much in the same strain, and supports the old fashioned doctrine, that rotation in office is prodnctive of public good.

The writer proceeds—"But new representatives are novices in business. Better so then—than the drilled instruments of a weak or a corrupt partial influence. But are we to be cajoled and misled by the humiliating idea, that any congressional district in this or any other state, can afford but one competent representative at any one time—and this one too requiring an indefinite succession of re-elections, to have him properly schooled in congress? If this is the case, if this is the deplorable state of popular ignorance—it is high time that the fact should be clearly established, and the proper remedy applied. Let our members of congress be changed; let them be changed often; and if it becomes manifest that we have so few competent to represent us usefully and truly; let the people themselves provide the means of their improvement—let our future candidates be prepared at home, in the state legislature or otherwise—*so that they shall take their mould from the states and their constituents.* Congress is too dear and too dangerous a place, for our representatives to be sent to school to receive the first impressions to direct their future acts: or if it is not, change your scholars often, [in times of peace and less difficulty, that an accidental death, or executive reward for representative compliance, may not suddenly leave you without all resource, in greater difficulties."

This remark about members of congress, brings to recollection an observation which a pure hearted, strong minded *republican* member of congress made to me, several years ago at Washington. He said—"I am entirely convinced that every member of congress ought to go out at the end of four years and be inelegible for two succeeding years—for the fact is, that, in spite of all that we can do, the very best men among us become more or less impressed with opinions not conformable to that of the people, and we act upon them as though the people were their own worst enemies, requiring our *wisdom* and *grace* to prevent them from harming themselves," or words to this effect, "so that the creature assumes the power of the creator." Now, this is as true as the gospel. Human nature is weak—the only corrective of human error, that we can rely on is the good sense and sober discretion of the people at large. That they may be deceived and often do wrong, is admitted—but the deception or the wrong acts upon themselves, and *they* must suffer the penalty. Individuals may profit by their own wrongs; but the people cannot, except to avoid future wrongs. The interest of one man or a set of men may be easily opposed to the interests of a community; but the interests of a community must point to the good of the whole.

It has happened, and, I think, that I have seen more than one case of it, that a new member of congress, fresh from the *sovereign power*, and possessing much of its original purity and disinterestedness, has been *looked down* by old and hackneyed members, if he proposed any thing in the way of retrenchment or reform—as if they had established a set of notions and manner of acting, superior to controul and unchangeable, unless at their own motion. Now and then, a man, bold in his own virtues and strong in talent, breaks in upon the mill-horse routine of pleasing or displeasing persons in power; but this is not often the case, (though the right of it may be evident), from a sort of jealousy that is entertained in the human mind. If a wrong is designated by a *new* man in the usual proceedings of an *old* body of men, there are always some who feel their pride wounded, because that they themselves, or some of their colleagues, had not detected it. The results of experience are not to be disregarded; but all human things are suscepti-

ble of improvement—without it, we might yet have made horses draw by their tails. Old age too, is always to be honored and respected—but as good and capable men hold the plough as make the laws; and the spending of a winter in the pomp and parade of Washington, is no more needful to know what is right, than the sending of a youth on board a privateer to teach him morality. The fact is, that the mind gradually becomes callous of wrong—and persons act on the idea of the old fish woman, whose practice it was to skin eels alive; on being asked if it was not cruel do to so? said she "thought so at first, but *they* had got used to it!" Her feelings were lost in frequent repetitions of the act, and the convulsions of the poor animals may have been regarded as an exhibit of their delight in the operation! This is a homely metaphor, and some may not like it—but the fact is, the people, though frequently skinned, never "get used to it"—yet they do not provide against such skinnings so well as they might if they would. My most earnest wish is, that every man in the republic should spend a few days at Washington during a session of congress, that he may be assured of the fact that the best of the members are only men, like unto himself; sometimes buying, sometimes selling—sometimes wise and sometimes foolish———silly, very silly, indeed.

And, though the abuses under our government are yet in their infancy, as regards the progress of corruption, we have not a few personages in office who esteem the emoluments as due to themselves for some bowings to the great, some lickings of the feet of the mighty. I know some such—some *civil* officers, who, by "candles ends and cheese pairings," receive, (and *nobly* spend), about 3,000 dollars per annum a-piece, on whom a person might call, on ordinary business, two or three hundred times in a year, hour after hour, week after week, and month after month, and not find them in the performance of any official duty, save the *drudgery* of signing their names, a few times in a quarter, or in a year, that their salaries and emoluments may be secured. There is a great deal of *deputy-business* going on—to the detriment of the public service, to the disgrace of our system of government, and the contempt and disgust of honorable men: but those persons, who do nothing but eat up their salaries, are enemies of *rotation in office*, as much as the priest of an *established* church would be at any result that should compel him to work for his own living like an honest man—and the misfortune is, that they have much controul over the press—and they can dance, fiddle and sing, and *afford* to give good dinners, by which they tickle the fancy and reach the *souls* of others. How can a person vote or act against another who feeds him on ortolans and drenches him with champaign? Impossible—it would be a breach of *hospitality!* But a pirate of Cuba might do all this, and more—and afford it much better. The principle of things with us is, that a man shall do what he is appointed to do; and large salaries or handsome allowances are made to guarantee the application of competent persons —not for their support in idleness.

☞A writer in a western paper has violently thrown about a dozen colums of matter at me, and is not yet apparently half-finished, because I ventured to recommend *home charities* instead of *foreign missions*, to the benevolence of the people. I anticipated something of the sort; though I expected more *fairness* and *charity* than this person has manifested: with whom, however, there shall not be any controversy, on my part.

I have only looked over a few of these columns, to catch the manner and get an idea of the matter of them. The author denies several things that are obvious truths on my mind—but I do not wish to judge for him, nor shall he judge for me. Yet this is very clear, and will not be denied, I apprehend, that he has furnished conclusive evidence of the justice of my remark, when I declared, that, though it was not allowable now to roast people to death to do "God's service," so called—yet a spirit was abroad "not less intollerant or unworthy of the Christian name, than that which prevailed when *fire was used to establish orthodoxy*,"—which I respectfully recommend to his serious consideration, after retiring to his own closet, in a sincere hope that he will profit thereby. It is the duty of every one to do all the good that he can—and I would rather *perform* a good thing than gain an *argument* about it.

Circulating medium. Notwithstanding the depreciation of the bills of the bank of the commonwealth of Kentucky, there are complaints in that state of the want of a sufficient quantity of circulating medium; and the "Louisville Public Advertiser" makes out the case very clearly—in substance as follows: When the paper of the old bank of Kentucky was nearly as good as specie, it had bills in circulation to the amount of $2,500,000, which was barely sufficient for the purposes of trade; and this bank now has in its vaults as large an amount in the bills of the bank of the Commonwealth as those of its own in circulation. The whole issues of the new bank amount to 2,300,000 dollars; but, as in the present rate of exchange and price of commodities, this amount only does the business of 1,150,000 dollars, the real circulating medium has been reduced nearly one half. This is at once a curious and highly interesting view of the subject, and presents an important fact that should not escape the attention of legislators.

Naval. A letter from Boston says—"The government have built here, and have now ready to launch a monstrous ship, with one hundred and two port holes; and to-morrow the stern post of another equally innocent vessel is to be erected. For the purpose of protecting the early infancy of this naval Hercules, an immense house, covering seven eighths of an acre, has been built, which entirely conceals the manufactory of death that progresses under its roof."

Foreign news! The following may serve to shew us what degree of reliance should be put on foreign speculations, received through the newspapers—

Advices from Leghorn of the 7th September, state that "another American squadron is expected in the Mediterranean, to reinforce the one which is there already. The news is also *confirmed* of the American agents, who arrived some time ago in the Morea, having brought to a conclusion important negociations with the Greek government!"

Liberty. On taking up a newspaper the other day, I noticed the famous saying of the late *Fisher Ames*, that "the immortal wood-nymph, Liberty, dwelt *only* in the British oak." A very pretty saying, but a very queer one.

A traveller! "I had no idea," said an English gentleman, who had travelled about twelve miles south of New Haven, Connecticut, "I had no idea that the country was settled so far in the interior!"

THE NEW MARRIAGE ACT in England has created much discussion in the papers. Its apparent design, or practical operation, is to prevent marriages.—Among other things, the parties are required to make certain affidavits before a magistrate, as to their age, &c. after which a notice of their intention must be published for three weeks, by being posted at the church door, &c. A widow woman, aged 46, lately appeared as a witness to swear that her *mother*, (about to become a bride), had, to the best of her knowledge and belief, attained the age of twenty one years! In consequence of these things, great numbers of persons have proceeded to Ireland or Scotland, and been married there, to the severe loss of the English clergymen—whose influence, it is possible, will bring about a repeal of some of the objectionable parts of the act.

THE FUR TRADE. A St. Louis paper of the 12th ult. announces the first arrival of furs from the Rocky Mountains—the boat load valued at 14,000 dollars; another boat with 10,000 dollars worth, was daily expected. They descended the Yellow Stone, and the length of the voyage is estimated at about 3,000 miles.

BANKING. The Philadelphia Gazette, of Saturday evening last, says—"A minute and laborious examination has been had before his honor judge Hallowell, relative to an alleged conspiracy to defraud the Bank of the Northern Liberties. It closed last evening, when the judge ordered the parties to enter bail, in the whole amounting to sixty thousand dollars."

The report, as given in another paper, is, that one of the clerks, by keeping false accounts, had permitted a *friend* to draw for large sums of money which he had never deposited.

POLITICAL PARTIES. Mr. Jefferson lately expressed himself as follows, in a letter to Mr. Samuel M. McKay—"That such do exist in every country, and that in every free country they will make themselves heard, is a truth at all times. I believe their existence to be salutary, inasmuch as they act as censors on each other, and keep the principles and practice of each constantly at the bar of public opinion. It is only when they give to party principles a predominance over the love of country, when they degenerate into personal antipathies, and affect the intercourse of society and friendship, or the justice due to honest opinion, that they become vicious and baneful to the general happiness and good. We have seen such days: may we hope never to see such again!"

A RARE DINNER PARTY. Sir Henry Blackman, of Lewes, (England), on being knighted in 1782, gave a dinner to sixteen friends, with an invitation to them to dine with him annually for forty years; four of them died during the first four years, but twenty eight years rolled round before another seat became vacant at the festive board. In 1814 two died, aged 80 and 90; so that ten remained of the original number at the thirty-third anniversary held in July 1815.

THE CUBA PIRATES. A British frigate, the Hyperion, with a schooner in company, has arrived at Havana, and sailed thence in search of the pirates. It is stated that she would shortly be followed by six new schooners, built for the express purpose of cruising on this station. It is reported that the British commander had *demanded* payment for a cargo of coffee, of which a vessel from Jamaica was robbed, and which he said was sold in Havana.

The city of Havana appears to be infested with land-pirates, or thieves, to an alarming extent.—Their depredations are extensive, and there seems to be also great personal fear of them. Not a family, it is said, can go to rest with a tranquil mind—even the police officers are alarmed.

The Congress frigate has sailed from Norfolk, for a cruise off the island of Cuba, &c.

LA FAYETTE. *Philadelphia, Nov. 7.* The following extracts from letters will be read with pleasure by all who take an interest in our revolutionary history, and in the character and feelings of such worthies of the revolution as gen. Bloomfield and col. Ogden. It may be well to mention, in order to illustrate the reverence in which the marquis La Fayette continues to hold the memory of Washington, that the impression upon the seal of the letter is a beautiful and correct likeness of the American hero, surrounded by a glory.

Extract of a letter from the marquis La Fayette, to Isaac Coxe Barnet, esq. of New-Jersey, consul general of the U. States at Paris, dated Le Grange, Aug. 28th, 1822.

"You have reminded me of times, circumstances and names, ever gratifying to my recollection. Col. Ogden and his regiment have been my beloved companions in war, particularly a picked company of light infantry, under captain Ogden, the colonel's brother, who have shared with me the most interesting toils of the revolutionary war. I enclose a letter to my old brother officer general Bloomfield."

Copy of a letter from the marquis La Fayette to gen. Joseph Bloomfield, of Burlington, New Jersey.

LE GRANGE, 28th Aug. 1822.

My dear sir—I avail myself of the opportunity offered by Mr. Barnet, to remind you of an old brother soldier, who finds in his own heart a right to reciprocity upon your affectionate remembrance. Our patriotic toils and friendly union in the army have been to me a happy time, the dear recollection of which fills me with sentiments of love and regret for our departed companions, and of the tenderest attachment for those who survive. I am sure, my dear general, you will, with affection, receive these lines, and sympathize in my feelings. Let me hear from you. Remember me to your comrades, and believe me forever your constant friend,

LA FAYETTE.

The captain Ogden spoken of is col. Aaron Ogden, of Elizabeth Town, New-Jersey, formerly governor of the state.

NAPOLEON BONAPARTE. Dr. O'Meara's book titled "a voice from St. Helena," and containing conversations with Napoleon, seems generally acknowledged as authentic, and, indeed, bears evidence in itself that it is so. When the feelings of the times have passed away, and the people are willing to hear and receive the truth, it will become important to history and rescue the memory of much abused, though often faulty man, from the mass of which prostituted writers have heaped on his character and conduct.

His opinion of his own imprisonment is thus stated—"He frequently, (says O'Meara), walked for hours in the shady paths and shrubberies of the gardens, where care was taken to prevent his being intruded upon. During one of these walks, he stopped and pointed out to me the frightful precipi-

which environed us, and said, "Behold your country's generosity, *this* is their liberality to the unfortunate man, who, blindly relying on what he so falsely imagined to be their national character, in a evil hour, unsuspectingly confided himself to them. I once thought that you were free: I now see that your ministers laugh at your laws, which are, like those of other nations, formed only to oppress the defenceless, and screen the powerful, whenever your government has any object in view."

The terror that he had inspired, and a knowledge of the devotion of the people of France to his person and proceedings, may be *judged of* by the means that were adopted to prevent his escape: for what would he, *one man*, have done, if he had been the tyrant and wretch that he was called?

"A subaltern's guard was posted at the entrance of Longwood, about six hundred paces from the house, and a cordon of sentinels and picquets were placed round the limits. At nine o'clock, the sentinels were drawn in and stationed in communication with each other, surrounding the house in such positions, that no person could come in or go out without being seen and scrutinized by them. At the entrance of the house, double sentinels were placed, and patroles were continually passing backward and forward. After nine, Napoleon was not at liberty to leave the house, unless in company with a field officer; and no person whatever was allowed to pass without the countersign. This state of affairs continued until daylight in the morning. Every landing place in the island, and, indeed, every place which presented the semblance of one, was furnished with a picquet, and sentinels were even placed upon every *goat-path* leading to the sea.

"From the various signal posts on the island, ships are frequently discovered at twenty four leagues distance and always long before they can approach the shore. Two ships of war continually cruised, one to windward, the other to leeward, to whom signals were made as soon as a vessel was discovered from the posts on shore. Every ship, except a British man-of-war, was accompanied down to the road by one of the cruisers, who remained with her until she was either permitted to anchor, or was sent away. No foreign vessels were allowed to anchor unless under circumstances of great distress, in which case no person from them was permitted to land, and an officer and party from one of the ships of war was sent on board to take charge of them as long as they remained, as well as in order to prevent any improper communication.—Every fishing boat belonging to the island was numbered, and anchored every evening at sun-set under the superintendance of a lieutenant in the navy. No boats, excepting guard-boats from the ships of war, which pulled about the island all night, were allowed to be down after sun-set. The orderly officer was also instructed to ascertain the actual presence of Napoleon, twice in the twenty four hours, which was done with as much delicacy as possible. In fact, every human precaution to prevent escape, short of actually incarcerating, or enchaining him, was adopted by sir George Cockburn."

Of the Algerines, &c. when the conversation turned upon them, Napoleon said—"It is a disgrace to the powers of Europe to allow so many nests of robbers to exist. Even the Neapolitans could put a stop to it, instead of allowing themselves to be robbed. They have upwards of 50,000 seamen in the kingdom of Naples and Sicily, and, with their navy, they might easily prevent a single barbary ship from stirring out." I observed that the Neapolitans were so great cowards at sea, that the Algerines had the utmost contempt for them. "They are cowards by land as well as by sea," replied the emperor, "but that might be remedied by proper officers and discipline. At Amiens, I proposed to your government to unite with me, either to entirely destroy those nests of pirates, or at least to destroy their ships, fortresses, and make them cultivate their country, and abandon piracy. But your ministers would not consent to it, owing to a mean jealousy of the Americans, with whom the barbarians were at war. I wanted to annihilate them, though it did not concern me much, as they generally respected my flag, and carried on a large trade with Marseiles."

FULLERS' EARTH. On the 29th of August last, we copied from the Hartford, (Connecticut) Mercury an article under this head, setting forth the inconveniences woollen manufacturers, in this country, labor under for want of Fullers' earth, and describing its properties. We have received, within a day or two, a piece of earth which answers all the tests there mentioned. It came from the plantation of Alexander Poe, esq on the Chickasaha, Mississippi, about 80 miles from this city, where it extensively abounds. The surface is, to the touch, very much like that of castile soap, somewhat like the soapstone, though not as hard, and more glossy when cut. We took two pieces, from different parts, and put them in glasses of water, when they instantly began to crumble, each falling into a fine mass of a slippery, plastic nature, as perfectly free from grit as is dissolved soap. It has been tried in washing greasy woollens and was found to have the desired effect, leaving the cloth bright, soft and perfectly free from spots or stains. The gentleman to whom we are indebted for this specimen has promised to furnish us, shortly, with a small box of it, which we shall immediately forward to a friend in New York, for the particular inspection of those who, from interest or curiosity, may be disposed to ascertain its properties, with a request that specimens be sent to Boston, Providence, Philadelphia and Baltimore.

This earth, of which there is supposed to be an extensive stratum, is found in large and almost detached blocks of various shades, from white to black; some in color resembling that of chocolate. Mr. P. tells our informant, (who is a connexion of his residing in this city), that, for many years, within his recollection, the Indians were in the habit of assembling in considerable numbers at the spot from whence it was taken, for the purpose of manufacturing their wares for domestic uses, some of which were very fine—but, until very lately, it was supposed to be of little if any more value than the common pipe clay, which is so abundant in many parts of the southern Atlantic, and, perhaps, other states—there is an earth very similar to this, though said to vary somewhat from it, to be found in various parts of this state, particularly at Florida, (Fort Stoddart), which has been used advantageously in white-washing—and we are inclined to suspect that some of the perpendicular banks of the Alabama river are composed of a material very much resembling, if not of this class, of which we have seen apparently very extensive ledges. We have been struck with the fineness of the material with which were made sundry pieces of earthern ware dug out of some of the large mounds, from 15 to 20 feet from the surface, where perhaps they had been concealed for hundreds of years—evidently having been deposited long before any of the mechanic

arts, (as now pursued), were known in this quarter of the world, unless by a race exterminated before the record of its discovery.

There are doubtless many hidden sources of wealth within the bowels of this section of our country, which are yet to be brought to light, besides those of a fertile soil, rendered valuably productive by a congenial climate, a valuable natural growth on the borders of navigable streams, iron, coal, copper, lead, and *possibly*, gold and silver mines, together with salt and mineral springs, furnishing a catalogue of benefits calculated strongly to impress upon our minds how greatly we are indebted to the bounteous hand of the God of nature.

Mobile Register.

"THE WALKING HORSE." The *Leeds Mercury* gives the following account of the application of steam power for propelling land carriages—It is many years since that this power was applied for such purposes in the United States, and we wish that the fact should be remembered. The idea suggested itself to the late Oliver Evans in 1772, and was actually put into operation in the year 1804, at Philadelphia—see Addenda to the REGISTER, vol. III.

"The engine which conveys coals from the Orrell pits, drags twenty wagons, each containing upwards of a ton. The people in the neighborhood emphatically call it the "walking horse;" and certainly, from the description of a friend, it bears no little resemblance to a living animal. The engine being on the high pressure principle, the superabundant steam is emitted at each stroke with a noise something similar to the hard breathing or snorting of a horse—the escaping steam representing the breath of his nostrils, and the deception is altogether aided by the regular motion of the engine beam, and the rapidity of motion, which precludes minute observation. In the ascent, the rate is about four miles an hour, and, on level ground, from five to six.

On Wednesday last, a highly interesting experiment was made with a machine, constructed by Messrs. Fenton, Murray and Wood, of this place, under the direction of Mr. John Blenkinsop, the patentee, for the purpose of substituting the agency of steam for the use of horses, in the conveyance of coals on the iron rail way, from the mines of J. C. Branding, esq. at Middleton, to Leeds. This machine is, in fact, a steam engine, of four horses' power, which, with the assistance of cranks turning a cog-wheel, and iron cogs placed at one side of the rail way, is capable of moving, when lightly loaded, at the speed of ten miles an hour. At four o'clock in the afternoon, the machine ran from the coal staith to the top of Hunslet-moor, where six and afterwards eight wagons of coal, each weighing 3¼ tons, were hooked to the back part. With this immense weight, to which, as it approached this town, was superadded about fifty of the spectators mounted upon the wagons, it set off on its return to the coal-staith, and performed the journey, a distance of about a mile and a half, principally on a dead level, in twenty-three minutes, without the slighest accident. The experiment, which was witnessed by thousands of spectators, was crowned with complete success; and when it is considered that this invention is applicable to all rail roads, and that, upon the works of Mr. Branding alone, the use of fifty horses will be dispensed with, and the corn necessary for the consumption of at least two hundred men saved, we cannot forbear to hail the invention as of vast public utility, and to rank the inventor amongst the benefactors of his country."

FOREIGN NEWS.

From London papers of September 26.

Great Britain and Ireland. Vessels bound to Honduras &c. were arming to protect themselves against pirates. A governor general of India had not yet been appointed. Several nobleman of Ireland had offered to fill certain public offices to which large salaries are attached, without pay. On the 25th Sept. 3 per cent. consols were at 81¼. The Jews, at London, have celebrated what is called the "white fast," with great pomp—3000 of them were present, and a great deal of money was collected for charitable purposes.

France. Nothing important is stated as having occurred in this country, except the continued persecution of the press.

Spain. The constitutional system is gathering strength, and the disorders were subsiding pretty rapidly. The army of the "defenders of the faith," is chiefly made up of priests, smugglers and robbers, and others of desperate fortunes. The late proud and cruel *Elio*, has suffered death at Valencia, by the *garotte*. He was strangled on a scaffold erected close to a delightful garden that he had owned in the zenith of his power. He died with great apparent humility.

Denmark. A Danish paper remarking on the depreciation of landed property, mentions the sale of a fine estate for 29,000 rix dollars, on which there was a mortgage of 100,000 dollars.

Russia. Capt. Wassiliew had returned to St. Petersburg from a voyage of discovery. He had reached a higher latitude than Cook, and discovered a groupe of inhabited islands.

Turkey. Additional confirmation of the heretofore reported successes of the Greeks in the Morea, is received, and there seems now no manner of doubt that the Turks have been most completely defeated. A general sea fight was expected—the Greek fleet, of 90 sail, all told, was in sight of the collected force of the barbarians. An attack by the former was intended by fire ships, said to have been constructed by an *American*, who was also to conduct them.

It is now distinctly stated that it was not the Greeks who broke the capitulation Trippolizza, by which a great slaughter of the Turks ensued. It was the Turks themselves: when all appeared quiet, they suddenly commenced a terrible fire from the houses, and killed 600 Greeks; the survivors, naturally excited, took a severe vengeance therefor.

Wallachia and Moldavia have not been evacuated by the Turks—the emperor of Russia has still a great army on the frontier, and there seems to be some new mystery attached to his proceedings. Four Russian men of war were off Copenhagen on the 16th Sept. supposed to be bound for the Mediterranean.

Jassy is reported to be in a deplorable condition; out of the 8000 houses that it lately contained, only 2000 were standing.

China. A letter lately received from Canton says—"The emporor of this country having by some means discovered the disgraceful conduct of the Mandarins, at and about Canton, has just issued an impartial decree, (which, like that of the Medes and Persians, is irrevocable) to the high officers about the court to inquire into the conduct of these people, and to report correctly the nature of the transaction with the English at Lintin, as well as our own affair at Whampoa, and the measures which have been pursued with regard to the introduction of opium. Thirty mandarins are already imprison-

ed, and how many more will be, it is impossible to foresee.

"This examination, it is expected by every one here, will produce important results, and finally place the intercourse of foreigners upon a different footing from heretofore—perhaps, their expulsion and interdiction."

Brazil. The prince regent was to be crowned *emperor* of Brazil on the 12th of October—8,000 troops had been raised at and in the neighborhood of Rio Janeiro. The government possessed the confidence of the people, and had just effected a large loan. A national coat of arms, flag and cockade have been established by different decrees. The motto on the last is, "*independence or death;*" which is also the burthen of their patriotic songs.

☞More recent intelligence from Pernambuco and St. Salvador, represent the people as being in a most agitated state. Indeed, there appears to have been some fighting, and a *republican* government is contended for instead of an *imperial* one. So, perhaps, the prince has not been crowned, according to appointment.

Colombia. Morales, as yet having the command of the sea, is carrying on an active predatory war.—There were some apprehensions, that, as there were no troops at hand to resist him, he might make a dash at and capture the city of Caraccas, which he could reach in twelve hours after landing. The people of Laguira appear to have been considerably alarmed. The U. S. ship Cyane and brig Spark were lying there. The Colombian commodore, (Daniels), was expected, and then it was hoped that the patriot force might be able to meet the royal, at sea.

Later—from London papers of the 29th September.

The fruits of the successes of the Greeks on the 15th, 16th and 17th of August, were 3000 prisoners, 2000 horses and 200 camels. The head of the pacha of Salonicha was presented to the senate at Argos, which has just renounced the charge of military affairs in favor of Calestroni, whom they have appointed dictator, for the time being. There was a naval fight off Zante—the Greeks took six or seven Turkish frigates or corvettes, and sunk several other vessels; the rest of the barbarian fleet 'sought protection under the British cannon' at Zante, &c. Chourschid pacha had reached Larissa, with only 3000 men out of the 40,000 with which he had attacked the Greeks. These have now a seemingly good prospect of effecting their independence.—Their struggle begins to excite much attention in Europe, and they will get assistance from many individuals.

A London paper, of the 29th of September, says—A Lisbon mail arrived yesterday with papers to the 15th instant. On the 11th the committee of the constitution proposed to the cortes a decree to the following tenor:

1. That the decree of the 3d of June last, convoking an assembly of the constituent cortes in Brazil is null.

2. That the secretaries of state at Rio Janeiro are highly responsible for the illegality of so despotic a resolution, and shall be impeached.

3. That the government of Rio de Janeiro, disobeying the cortes and constituting itself independent, contrary to the wishes of the people of Brazil, who are represented in this assembly, is a government *de facto* and not *de jure*, and that the obedience of any authority will be criminal, unless when compelled by force.

4. That the delegated authority of the prince shall immediately cease, and that the king appoint a regency to exercise that authority in the manner already sanctioned.

5. That the prince royal shall return to Portugal in the course of four months, reckoning from the day when the present decree shall be notified to him; and if, contrary to the expectation, he should not obey, the proceedings fixed by the constitution shall be adopted.

6. That every commander of the land and sea forces shall be accounted a traitor, who shall obey the government at Rio de Janeiro, unless compelled by force.

7. That the government shall try all the means in its power to carry all these resolutions into effect.

☞It appears pretty evident that, before the self-murder of lord Castlereagh, a proposition had been made, and partially adopted, to crush Spain, by an overwhelming allied army, while British fleets scoured the coasts, &c. and it seems as if that kingdom was to have been held as the property of the "Holy Allies." Whether the project is wholly abandoned or not, is unknown; but the great mischief has lost its head, by the act of justice which his lordship committed on himself.

Goubin, and three others, who were implicated with Berton, and condemned, were executed at Paris on the 22d September. Goubin's last words were "*Vive la liberte!*" The sympathy of an immense concourse of people was strongly excited.

Bank of Vincennes.

FROM THE BROOKVILLE ENQUIRER.

For the information of the public, in regard to the late arrangement made by our senator in congress, James Noble, in relation to the debt due to the United States from the state of Indiana, for moneys deposited in the bank of Vincennes, we are enabled to give the following statement, chiefly taken from papers on the subject in the hands of Mr. Noble, who has favored us with their perusal.

On the 7th September inst. Mr. Noble attended at Corydon, who had in his possession certain notes or engagements, executed by the governor of this state on behalf of the state, to the president, directors, & Co. of the bank of Vincennes, for the payment of $30,8000. On the 22d of September, 1821, the board of directors of said bank transferred to Thomas T. Tucker, esq. treasurer of the United States for the time being, and his successor in office, the notes or engagements of the governor aforesaid, for the purpose of paying a part of the deposites to the United States, which had been made by them in said bank. Near the time of the transfer, the state had in her treasury upwards of $21,000, in notes of the said bank and branches.

During the last winter and spring, Mr. Crawford, the secretary of the treasury of the United States, being informed that the state objected to the transfer made by the bank, and the truth of the case being submitted to him, he, with an eye single to the interest of the United States and the interest of this state, and, to prevent any collision between the federal and state authority, proposed and determined that those notes or engagements of the governor should, under certain restrictions, be delivered to the board of directors of said bank. In pursuance of the restrictions and instructions of Mr. Crawford, on the 7th of Sept. inst. Mr. Noble, together with the treasurer of state, Daniel C. Lane, esq. liquidated and adjusted a part of the said notes or engagements, amounting to $25,159. Two of the directors of the said bank, Dr. G. L. Murdock and

William H. Eads, were present, and received the said sum of $25,159, in bank notes on the said bank and branches, from Mr. Lane; Mr. Noble delivered to him, as the treasurer of the state, so many of the notes or engagements aforesaid, as amounted to the sum last named; Mr. Noble having, previous to his setting out for Corydon for the purpose aforesaid, taken mortgages of the board of directors of said bank, through their attorney and agent, in favor of the United States, upon real estate, consisting of near twenty town lots, lying in Brookville and Connersville, upon which there are seven buildings and other improvements. The state debt, including interest, up to the 29th of December last, amounting to $32,570 17, leaving a balance due by the state of $7,411 17, which is payable in 1823, 1825 and 1826

The Indiana Republican of the 12th inst. states, "that general Noble was selected to arrange the matter, and he undertook it with the hope and expectation that he might prevent injury to the state, and for his services he is to receive no compensation," which statement we have no doubt contains the fact.

Protection against lightning.

FROM THE PLYMOUTH, (ENGLAND), TELEGRAPH.

We last week noticed an invention, by a gentleman of Plymouth, for conveying the electric fluid, by means of a copper conductor fixed in the masts, through the bottom of ships. Instead of being ascribed to Mr. T. Harris, jun. as then stated, it should have been Mr. W. S. Harris. The experiment took place on Monday last, on board the *Caledonia*, in the presence of the navy board, sir A. Cochrane, commissioner Shield, several captains in the navy, and the principal officers of the dock yard, in the following manner: The *Louisa* cutter, having had a temporary mast and topmast fitted with a copper conductor, according to Mr. Harris' plan, was moored astern of the *Caledonia*, and at the distance of eighty feet from the cutter a boat was stationed, with a small brass howitzer. On the tiller-head of the Caledonia were placed the electrical machine and an electrical jar, with the outer coating of which a line was connected, having a metallic wire woven in it; this line being carried out of the starboard window of the wardroom, terminated in an insulated pointed wire in the immediate vicinity of the touch-hole of the howitzer: a similar line was passed from the larboard window, which communicated with the mast-head of the cutter, and, at the termination of the bolt through the keel, a chain was attached, connected with another insulated pointed wire in the boat, placed in the vicinity of the touch hole--the space between the insulatted points being the only interval, in a circuit of about 300 feet, from the positive to the negative side of the jar. Some gunpowder being placed in contact with the conductor in the cutter and the priming in the interval of the insulated points, the jar was charged, and the line attached to the mast head of the cutter being brought into contact with the positive or inside of the jar, a discharge of electric matter followed, which was passed by the line to the mast-head, and by the conductor through the powder to the chain in the water, by which it was conveyed to the interrupted communication in the boat, where it passed, in the form of a spark, and, discharging the howitzer, returned to the negative or outside of the jar, by the line leading into the starboard window, thereby demonstrating that a quantity of electric matter had been passed by the conductor through the powder, (without igniting it), in contact with the mast of the cutter, sufficient to dischage the howitzer Mr. Harris then detached the communication between the keel of the cutter and the positive wire in the boat, leaving that wire to communicate with the water only; but this interruption did not impede or divert the charge, as the discharge of the howitzer was effected with equal success as in the first instance, the water forming the only conductor from the cutter to the boat. In order to demonstrate that a trifling fracture or interruption in the conductor would not be important, it was cut through with a saw; but this produced no material injury to its conducting power.

These trials, carried on under the disadvantages of unfavorable weather, could not fail of convincing all present of its efficacy, and called forth the decided approbation of the navy board in particular, which was evinced by sir T. B. Martin requesting Mr. Harris to superintend the equipment of the masts of the Mindin 74, and Java frigate, preparatory to its general introduction into the navy.

Putnam's Rock.

FROM SILLIMAN'S JOURNAL.

Extract of a letter from professor Dana, of Dartmouth college, to the editor, dated February 5th, 1822.

I have received an accout of "*Putnam's Rock*," which is in the river opposite West Point. It was given to me by my friend colonel Tucker, of Gloucester, (Mass.) and the history, as connected with the American revolution, cannot fail to be interesting; I will give it in his own words, as there is a naivette in his manner of relating it.

This famous rock, originally a native of the highlands above West Point, was situated on the extreme height of Butter Hill*; when the morning fog was descending from the hill, it had a very beautiful appearance, not much unlike a horseman's tent or hospital marquee riding on the cloud. It was a common amusement for the officers when off duty to roll large rocks from the sides of those hills. These often set others going with them, to the great terror of those persons who were below. One day when this laborious amusement was over, colonel Rufus Putnam proposed going up to take a peep of this curiously situated rock; it was found situated on a flat rock of great extent, and near the brink of a considerable precipice, and hung very much over it. Colonel Putnam believed that it was moveable, and if once moved, that it would roll over; and falling from 20 to 50 feet, would commence its route to the river. A few days after, we formed a party of officers, with our servants, who took with them axes, drag-ropes, &c. in order to procure levers for the purpose of moving the rock, which we soon found was in our power. The levers being fixed with ropes to the end of them all, col. Putnam, who headed the party, ordered us to haul the ropes tight, and, at the word congress, to give a long pull, a strong pull, and a pull altogether.- This we did; the levers fell, the rock rolled over, tumbled from the precipice, and took up its line of march for the river! The party then had the satisfaction of seeing the most majestic oaks and loftiest pines bowing down in homage and obedience to this mighty traveller, which never stopped till it had reached the bed of the river, where it now lies on the edge of the flats, and far enough from

*This hill is 1520 feet above tide water, and 1332 above its base, according to capt. Partridge.

the shore for a coasting vessel to sail around it. The party followed after in its path, and were astonished to see that rocks of many tons weight, and trees of the largest size, were ground to powder; on arriving at the river the party embarked, and landed, to the number of sixty or seventy, on the rock, when colonel Putnam broke a bottle of whiskey and named it "Putnam's Rock." I may have forgotten some of the minutiæ of the transaction in the lapse of 43 years, but it is a fact that the rock now in the river was removed from the extreme top of Butter Hill by the officers of colonel Rufus Putnam's regiment, in the revolutionary war, in the service of the United States, sometime in the month of June, in the year 1778.

Naval Power.

From the work of Monsieur Du Pradt, 'upon colonies.'

[TRANSLATED FOR THE NATIONAL INTELLIGENCER.]

The sea is the element common to all people, the way open to all, for the relations of which all have need with all; the military marine, protectress of the mercantile marine, is the conservatory means of these relations; the sea, no more than the continent, cannot support one universal and exclusive empire; from thence alliances between maritime powers for the liberty of the seas, like continential alliances for the liberty of the continent. The same necessities have dictated the same measures. Under the reign of Louis the fourteenth, the epocha of the creation of military marines in Europe, there was counted four great marines; those of England, of France, of Spain, and of Holland; they were seen to struggle against each other, together or separately, and, as always happens in the commencement of establishments, with success balanced enough to maintain some equilibrium, and by that some liberty. Holland did not fear to measure herself alone with England and France united—since that epocha the maritime power of Europe was divided into two parts, England on one side, and France and Spain on the other; in the two wars of 1740 and 1756, the French marine, notwithstanding the co-operation of that of Spain, could not defend the colonial possessions of France. In the American war, the two marines, reinforced by that of Holland, did not fairly balance the English marine. They could not wipe out the afront of the 12th of April, nor shut the entrance of Gibraltar. * * * *

It may be said that, from this epocha, people have learnt to know all the value of the sea; before it was the secret of some, such as England and Holland: now it is that of all; but how much have things changed since those times? the revolution has delivered the ocean to England, and with it all the colonies, all the marines of Europe. Her position, in the centre of the European ocean, interdicts the communication of the north with the south. Where could they unite? All that would go out of the sound would be arrested at Heligoland, at Ferroe: it would have to pass under this long battery from Yarmouth to Plymouth. The channel is a sea shut by the ports of England, a real English roadsted, through which the squadrons of France and Holland would never dare to pass, to form a junction. At the first signal, Brest, Cadiz, and Toulon, would be blockaded; Gibraltar shuts the entrance of the Mediterranean; Malta occupies the centre of it; Corfu overawes the Adriatic. Where to pass or reunite? It is the same in the other parts of the world, where England has given herself positions desperating for all maritime people. A coalition of all the marines of Europe against England, is then a thing to be of reason. But, some of the parts of this coalition are too much exposed in their commerce and their colonies, not to prefer their actual sufferings to their aggravation, which would be the inevitable consequence of a rupture with England. This latter has left them colonies and commerce, precisely what is enough to form a web woven by fear and by the discretions it always dictates. An eternal statu quo is the only calculation of these powers; provided it lasts, it is sufficient. There is but one power independent of England; it is Russia; and the first owes some regard to her for the sake of her commerce. But, there the power of Russia stops. At the Cape of Good Hope, at Ceylon, at Trinidad, at Barbadoes, at Halifax the English are, with respect to colonies, in the same position as they are at Heligoland, at Gibraltar, at Malta, with respect to Europe. Slavery is there, as well as here. In this condition, all military marine in Europe is a useless expense, a subject of triumph prepared for England, and, since it must be said, a real absurdity. In effect, what other name to give to an expense which returns nothing, which serves neither for attack or defence, and which definitively profits only the enemy? It is no longer within itself that Europe must seek its means of maritime enfranchisement; it is no longer upon itself that it can solidly support its lever to raise the burden which crushesit; *it is upon America.* Hereafter the principle of its liberation is there.—We have just seen the proof in the war of the United States against England; they have more tormented England than all the united marines of Europe have done. The reason is very simple; the remoteness from England. At this distance from the seat of her power, she loses a part of the advantages which render her so formidable in Europe; consequently, the more there shall be states like to the United States, the more will there be allies for Europe; for all these states, like the United States, are essentially navigating, possessing an infinite number of ports and rivers which invite navigation and commerce, will have the greatest interest in the liberty of the seas, in an alliance with the weak upon the sea, against the strong, the natural oppressors of the weak; consequently, every flag of liberty raised in America will cover the seas of Europe with a tutelary shade.

Suppose in America some free states, as Brazil, the United States, Mexico; and upon the other reverse of this country, Peru and Chili. In this state of liberty which cannot escape them sooner or later, do we not see raised with them as many rivals against England, as many ship-yards, and arsenals, as we count in the United States, and all at the service of Europe against the common enemy, the master of the sea, whatever name he bears? for as soon as he is master, he is the enemy of all that is weaker than him, and also all are enemies to him. Do we not see raised, with the means to support it, a general struggle for the independence of the seas—a struggle which, in this case, cannot fail of its effect, favored as it will be found to be by the position of the parties that will take part in it, whilst it is impossible for Europe alone to establish a like one, precisely by reason of its position and proximity with England. When England shall have to blockade at once all America and all Europe, her blockades, instead of being a chain of iron that cannot be broken, as we have seen in the last 20 years, will be no more than spider webs that can be pierced at will. When her vessels shall have to guard stations several thousand leagues distant, without as-

sured ports of refit; when her commerce, exiled from the two continents, pursued by swarms of privateers, shall extend its withered arms to the metropolis, suppliant for peace; then will be re established a maritime liberty for Europe which she cannot obtain by her own proper means. Let us say it without balancing, without the independence of colonies, Europe has nothing better to do than to burn all her vessels; for there is not a single one which is not destined to be drawn in triumph to London in eight days after they shall dare to put to sea; without the independence of colonies, all the vessels of war of Europe will be taken, or will rot in the ports; such is the arret of fate, of which England is the minister.

This was then the capital error of the politics of Napoleon; he wanted to enfranchise the seas by Europe! and it was only by America that that could be done. He turned his back upon his aim by going to search for it in Russia, where surely it was not. Such is yet the error of Spain; she does not perceive that, in laboring to re-establish the dependence of America, in her own regard, she only confirms her own dependence upon England, who will be able to dispose of all the force of which she would have need against America. France does not act more wisely in not occupying herself to prepare a future, less servile than the condition to which she is descended.

A proposition so new as that which is just announced, cannot fail to excite much outcry; the thing is easy to foresee, and, above all, to explain, from the interests which it reaches. But what are outcries against the truth? It is precisely because this truth is new, that it ought to be published.—Let us then pursue our route, and make to France the application of these principles. Let us ask, for what purpose does her marine serve, in the actual condition? It has two objects—commerce and policy; that is to say, riches and power. We protect commerce with vessels of war; with them we fight, we drive off, or humiliate, the enemy. The question is, then, to judge of the interest France can have to preserve a military marine, to examine to what degree it can fulfil this double destination. The military marine of France cannot protect its mercantile navigation, &c. It follows, from this exposè, that the French marine is both useless and ruinous, which is too much, by half, &c. But we discover in this same French marine a certain and immense utility, in allying itself with the system of the independence of colonies, a system that will give to all the marines of Europe auxiliaries, which will enfranchise it from the supremacy of England, from which they are impotent, of themselves, to deliver it.

Legislature of Kentucky.

GOVERNOR'S MESSAGE.

Frankfort Oct. 22.—This day at twelve o'clock, his excellency, the governor, transmitted to both houses the following message:

Fellow citizens of the senate

And of the house of representatives:

Amid the rich and numerous blessings with which Providence has signalized our happy country, we have not been wholly exempted from some of its severest calamities. While peace, tranquility and order have reigned throughout the land; while the fruits of the earth have repaid the labors of the husbandmen with a bounteous profusion, and every species of industry and skill have been liberally encouraged by the rewards of reviving commerce, while our people have witnessed with joy and thankfulness the masculine growth of their favorite institutions, and hailed, with sentiments of just and exalted pride, the glorious triumphs of that redeeming spirit, inspired by their own example, which, in distant regions of the world, impelled the votaries of republican freedom to plant her standard on the grave of departed despotism, the sudden incursions of sickness and death have cast an unexampled gloom over different portions of our healthful state. In common with her sister states, Kentucky, during the short periods of the summer and autumn, experienced an unusual visitation of disease. When we look back on the sufferings inflicted by the prevalence of a general malady and remember—who can forget it?—that we have been deprived of some of our most valuable and respected citizens, it is with hearts full of gratitude to a kind Providence that our minds are averted from the painful retrospect by the welcome and consolatory assurance that the evil has departed, and that returning health, with her long train of blessings, occupies again her accustomed abode!

The general assembly has legislated so fully on the great interests of education, that it only remains for them to give successful operation to their wise and liberal plans, by a patient and persevering application of the means which have been appropriated for the attainment of the most laudable and necessary objects. You will have before you, during the present session, the result of the diversified inquiries and united deliberations of the joint committee, heretofore appointed on the subject of free schools, and will not fail to avail yourselves of all the lights to be expected from the report of that committee, in any subsequent modifications which experience shall suggest, or a more minute knowledge of the subject may recommend, in the practical developement of the system adopted. The state university continues to flourish. Its recent growth is unrivalled; and the benefits it dispenses are diffused far beyond the limits of our own state. When we consider how large a sum of money it retains among us, which would otherwise be expended abroad in educating our youth in habits and opinions, not the most happily adapted to render them useful at home; and that it attracts from other states a considerable amount that could not in a different mode be obtained, this institution might well be estimated, by avarice itself, as worth all the care and expense that it has cost. But when we regard it as a distinguished seat of science, affording all the means for the attainment of knowledge, which are common to any seminary of learning in the United States, the advantages of its rich and imperishable contributions to our moral strength and intellectual acquisitions, are not to be calculated by the standard of wealth, but of glory. We may be permitted to felicitate ourselves on the rapid and general dissemination of useful and liberal knowledge, through all classes of society, and to hail with sentiments of deep delight the auspicious era, at which philosophy and the muses claim a residence in the wilderness of the west.

Our colleges and schools, fostered by that nasent spirit of improvement which prevades the whole community, are daily multiplying the sources of instruction, and extending the sphere of their usefulness. In several of the former, although comparatively in their infancy, a complete course of academical learning is given; and in others is postponed only for the want of competent teachers; a defect soon to be remedied by the *alumni* of the university.

Your predecessors, duly impressed with the vital importance of education in a government like ours, have made it a subject of legislative concernment. Thus it becomes your duty to inspect the existing institutions of learning, to correct their errors, and supply their wants; and thus opportunity is afforded you of participating in the high honors which are due to those who enlighten and reform the public mind.

The digest of the statute laws now in force in this commonwealth, authorized by the act of December 6, 1821, has been executed and approved, and in the course of the next month will be ready for distribution. It is believed that the work will meet the expectations of the legislature and prove itself of immense utility to the community at large.

The subject of our currency will no doubt occupy a portion of your deliberations, and it may be expected that I will not remain wholly silent on so important a topic. Permit me to remark, that the great and complicated concerns of finance can receive but little advancement from the frequency of legislation. The constancy and patience of virtuous economy; the victorious energies of well directed industry; and the demands of foreign commerce, regulate the wants, acquisitions of every people.

It is true, that communities, like individuals, are sometimes doomed to endure the severities of unlooked for disease. Extraordinary emergencies, and inevitable calamities, impose the adoption of appropriate experiments to avert or mitigate the sufferings that attend them.

The safety of society becomes the ruling motive of the law; and every controling power of the state must submit to the paramount law of necessity. But as such a condition of affairs is unnatural, its continuance must be destructive, and that people, the rigour of whose circumstances compels them often to depart from the established order of their legislations, and long to require extraneous aid of unusual remedies, must lose in time the graceful consistency of their national character, and weaken the salutary influence of those venerable usages, the sanctity of whose immemorial authority exerts so persuasive an influence over the affections of the heart. If the legislature of Kentucky has been compelled to yield for a season to the imperious nature of causes which it could not subdue, in devising measures requisite to insure the general welfare; has sanctioned means heretofore not usually employed, let it never be forgotten, that the measures adopted have completely realized their proposed ends; that an agitated and endangered population of a half a milion of souls has been tranquilized and secured without the infliction of legal injustice or the example of violated morality. I rejoice that the hour is near at hand, when we may change, without fear or injury, our precautionary attitude, and, mingling freely in the emulative pursuits of nations, with increased vigour urge onward our career of wealth, of power and of fame.

I respectfully suggest for your consideration the propriety for authorizing by law the Bank of Kentucky to pay, in a short period of time, into the Bank of the Commonwealth, in the notes of the latter, the whole amount of the capital stock owned by the state in the former. Such a measure, by withdrawing at once from circulation, at least one sixth part of the entire amount of the notes issued by the Bank of the Commonwealth, already considerably reduced by regular calls on the principal loaned and the payment of accruing interest, could not fail greatly to raise the credit of the paper. If to this a provision were added authorizing the directors to make discretionary calls on her debtors, the legislature would have done all, in relation to that institution, which appears to me expedient at this time. The measures alluded to, would afford a satisfactory demonstration to the minds of all candid men, of your justice and fidelity. They would silence the clamors of those who have depreciated the credit of the paper by impeaching the integrity of the public faith, and inspire the community with increased confidence in the final redemption of the notes. The resources pledged for this purpose would remain undiminished, while the aggregate amount of the notes to be redeemed would be daily decreasing and their relative value correspondingly enhanced. That the state should receive in payment for her stock the notes of the Bank of the Commonwealth, is peculiarly proper, because she holds at her disposal the entire capital, on the faith of which those notes were issued. Every dollar that she receives exempts the general fund appropriated for redemption from its liability for an equal amount, and leaves the bank in possession of a valid claim on its debtors who borrowed the sum thus withdrawn from circulation.

When the interest now held by the state shall have been withdrawn from the Bank of Kentucky, her direct participation in the government of that institution, as contemplated by existing provisions, will cease. The design of those regulations, it is hoped, will not be changed. The divided government of the private stockholders and the state, established by the original charter of the corporation, was impolitic and unequal. It has been the origin of much evil, and no advantage can be fairly anticipated from its longer duration.

The resources of that institution may enable it, during the ensuing year, to resume specie payments. This is an event most earnestly to be desired; and one which ought not to be delayed a moment longer than the inability, to sustain such payments, exists. When we consider the almost entire reduction of our foreign debts, and the consequent indulgence and protection afforded to them; the vast returns of trade; the growth of economical habits; and the excitement to general industry produced by the pressure of the times; we cannot doubt the removal of numerous and formidable obstacles that have impeded the usual current of business, and diverted our resources into new and unproductive channels. The resumption of specie payment by the Bank of Kentucky would promote the rapid circulation, that is at present wholly unemployed, impart new life to commerce, add powerful incentives to industry, and restore public confidence in the moneyed institutions of the country. Nor could the payment of specie by the Bank of Kentucky be in any manner detrimental to the Bank of the Commonwealth. By gradual, but not oppressive calls and the operation of the resources before recommended, its notes in circulation must soon be diminished below the amount which, after discharging all the functions assigned them, will be adequate to meet the requisitions made at bank. These requisitions must therefore be met by payment in specie or the notes of the Bank of Kentucky, which, by this indiscriminate and inevitable application, will be rendered of equal value to the Bank of the Commonwealth. If the whole of the amount of the circulating medium of the state shall be diminished, the inconveniences of such diminution will be more than compensated by the freedom of its circulation, and the facilities gained by the re-establishment of credit. To produce these

important results it is true that time is required. But time, in its silent and powerful developements, is always in advance of man's anticipations.

I cannot close this communication without once more earnestly inviting the attention of the general assembly to the subject of the Lunatic Asylum, and the condition of the state penitentiary. To my previous communications I beg leave to refer for an exposition of my general views in relation to those important, but neglected institutions. An inspection of the accounts of the auditor, exhibiting the annual disbursements at the treasury, for the maintenance of persons of unsound mind, and a comparison of this rapidly increasing item of public expenditure, with the probable expense attending the support and recovery of these unfortunate beings, embraced in the proposals of the Fayette hospital, demonstrably establish the humiliating fact, that the present wretched and impracticable system, wholly inadequate as it is for every purpose of mental restoration, is supported at a charge more than sufficient to afford the afflicted sufferers every gentle and humane attention, and all the kindly aids of restoring skill, which form the constituent regulations of a well appointed asylum.

The penitentiary system has been adopted by most of the North American republics. This general sanction is honorable to our country, and worthy the imitation of all civilized nations. It is no longer a question whether the system is of practical utility, and its introduction a blessing to mankind. It is progressively and widely extend ing its triumphant march. The principles on which it rests find easy converts and zealous advocates in every clime, where generous feelings and enlight ened sentiments prevail; and the only inquiry among the friends of human happiness, freedom and reform, is, how can his benign invention be improved and perfected? Kentucky was among the first of the states that established a penitentiary and her example has contributed to propitiate general approbation.

How strange, how lamentable an instance of the mutability of opinion, if she should be the first to abandon a system she has so successfully recommended! Yet the simple question which obtrudes itself is, will you have a penitentiary? It is nugatory to amuse ourselves with flattering hopes of salutary amendments when we are destitute of an adequate object to amend. I am not now urging upon your adoption a single improvement in the general system; but am driven to the melancholy supplication that you will not permit the system itself to perish. The existing establishment, in the best condition that the means afforded can place it, is merely a confined and ruinous work shop, necessarily deprived of every concomitant aid designed for the reformation of the convict, and, furnishing, within its walls in spite of every available precaution, the opportunities and incentives to the most contaminating associations and the promulgation of the most depraved principles. From such a place repentant virtue never can return. With the present increase of our population and in the existing state of society, such an institution is a curse: and the general assembly, in obedience to the force of circumstances, must very soon adapt it to the wants of our actual condition or return to the bloody code of our fathers.

On a subject so momentous in its consequences to the most sacred rights of the community, I feel an extreme solicitude which I shall not pretend to disguise. But this solicitude does not arise in the slightest degree from a distrust of the justice and magnanimity of my country. To estimate this matter correctly, it is only necessary to consider it. This is not a money making, or a money saving project. It is a magnificent plan, devised by the spirit of philanthropy and approved by the profoundest wisdom, to accelerate the progress of civilization, to diminish the sufferings, and amend the morals of human kind. In the support of such a plan, on the successful termination of which is deeply staked the dignity of our race, no frigid speculations of abstract policy, no mercenary calculations of pecuniary profit, should retard the consummation of the noble design. The protection which every government owes to its citizens, includes every practicable amelioration of their condition, and whatever may be the practice in arbitrary dominions, this is not a soil, the blood of whose sons is to be weighed in the balance against gold.

In relation however to the cost of their support, the convicts in your penitentiary, considered as mere laborers fed at the public expense, have not been unprofitable during the last year. The price of the manufactured articles during that period, ending with the month of September, exceeds the entire expenses of the institution. The whole of those articles cannot be vended at this place; and a large amount, including many articles manufactured during the several preceding years, remains unsold.

If the agent were authorized to distribute those for sale at the neighboring towns, or to dispose of them by auction at stated times and places, similar losses and inconveniences might, for the future, be obviated. It has been with regret that I have observed the prodigious increase of legislation on local and individual interests, abundantly provided for through the judicial organs of the government. When you consider how large a portion of each session is consumed in transacting this description of business, and consequently how greatly the public expenses are augmented, I am convinced that, apart from all other considerations, you will deem this a subject worthy of your attention on the score of economy, and particularly as the practice is more likely to grow, and is the more difficult to resist, by reason of the benevolence of the motives in which it originated. JOHN ADAIR.

Frankfort, Oct. 22, 1822.

Constitution of New-York.

We, the people of the state of New-York, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our form of government, do establish this constitution.

ARTICLE FIRST.

Sec. 1. The legislative power of this state shall be vested in a senate and an assembly.

Sec. 2. The senate shall consist of thirty-two members. The senators shall be chosen for four years, and shall be freeholders. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Sec. 3. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the qualifications of its own members. Each house shall choose its own officers; and the senate shall choose a temporary president, when the lieutenant governor shall not attend as president, or shall act as governor.

Sec. 4. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

Sec. 5. The state shall be divided into eight districts, to be called senate districts, each of which shall choose four senators.

The first district shall consist of the counties of Suffolk, Queens, Kings, Richmond, and New-York.

The second district shall consist of the counties of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan.

The third district shall consist of the counties of Greene, Columbia, Albany, Rensselaer, Schoharie, and Schenectady.

The fourth district shall consist of the counties of Saratoga, Montgomery, Hamilton, Washington, Warren, Clinton, Essex, Franklin, and St. Lawrence.

The fifth district shall consist of the counties of Herkimer, Oneida, Madison, Oswego, Lewis, and Jefferson.

The sixth district shall consist of the counties of Delaware, Otsego, Chenango, Broome, Courtland, Tompkins, and Tioga.

The seventh district shall consist of the counties of Onondaga, Cayuga, Seneca and Ontario.

The eighth district shall consist of the counties of Steuben, Livingston, Monroe, Genesee, Niagara, Erie, Allegany, Cattaraugus, and Chatauque.

And as soon as the senate shall meet, after the first election to be held in pursuance of this constitution, they shall cause the senators to be divided by lot into four classes, of eight in each, so that every district shall have one senator of each class; the classes to be numbered one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year; of the fourth class, at the end of the fourth year, in order that one senator be annually elected in each senate district.

Sec. 6. An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of color not taxed, and shall remain unaltered until the return of another enumeration, and shall, at all times, consist of contiguous territory; and no county shall be divided in the formation of a senate district.

Sec. 7. The members of the assembly shall be chosen by counties, and shall be apportioned among the several counties of the state, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, paupers, and persons of color not taxed. An apportionment of members of assembly shall be made by the legislature, at its first session after the return of every enumeration; and when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly shall be made by the present legislature, according to the last enumeration, taken under the authority of the United States, as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly; and no new county shall hereafter be erected, unless its population shall entitle it to a member.

Sec. 8. Any bill may originate in either house of the legislature; and all bills passed by one house may be amended by the other.

Sec. 9. The members of the legislature shall receive for their services, a compensation to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the year in which it shall have been made. And no law shall be passed increasing the compensation of the members of the legislature, beyond the sum of three dollars a day.

Sec. 10. No member of the legislature shall receive any civil appointment from the governor and senate, or from the legislature, during the term for which he shall have been elected.

Sec. 11. No person, being a member of congress, or holding any judicial or military office under the United States, shall hold a seat in the legislature. And if any person shall, while a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 12. Every bill which shall have passed the senate and assembly, shall, before it become a law, be presented to the governor: if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two thirds of the members present, it shall become a law. But, in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

Sec. 13. All officers, holding their offices during good behavior, may be removed by joint resolution of the two houses of the legislature, if two thirds of all the members elected to the assembly, and a majority of all the members elected to the senate, concur therein.

Sec. 14. The political year shall begin on the first day of January; and the legislature shall, every year, assemble on the first Tuesday of January, unless a different day shall be appointed by law.

Sec. 15. The next election for governor, lieutenant governor, senators, and members of assembly, shall commence on the first Monday of November, one thousand eight hundred and twenty two; and all subsequent elections shall be held at such time in the month of October or November as the legislature shall, by law, provide.

Sec. 16. The governor, lieutenant governor, senators, and members of assembly, first elected under this constitution, shall enter on the duties of their respective offices on the first day of January, one thousand eight hundred and twenty-three; and the governor, lieutenant governor, senators, and members of assembly, now in office, shall continue to hold the same until the first day of January, one thousand eight hundred and twenty-three, and no longer.

ARTICLE SECOND.

Sec. 1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the state or county, assessed upon his real or personal property; or shall, by law, be exempted from taxation; or being armed and equipped according to law, shall have performed, within that year, military duty in the militia of this state; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this state: and, also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding such election, an inhabitant of this state, and for the last year, a resident in the town or county where he may offer his vote, and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people. But no man of color, unless he shall have been, for three years, a citizen of this state, and for one year next preceding any election, shall be seised and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon; and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation, unless he shall be seised and possessed of such real estate as aforesaid.

Sec. 2. Laws may be passed, excluding from the right of suffrage persons who have been, or may be, convicted of infamous crimes.

Sec. 3. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

Sec. 4. All elections by the citizens shall be by ballot, except for such town officers, as may by law be directed to be otherwise chosen.

ARTICLE THIRD.

Sec. 1. The executive power shall be vested in a governor. He shall hold his office for two years; and a lieutenant governor shall be chosen at the same time, and for the same term.

Sec. 2. No person, except a native citizen of the United States, shall be eligible to the office of governor; nor shall any person be eligible to that office, who shall not be a freeholder, and shall not have attained the age of thirty years, and have been five years a resident within this state; unless he shall have been absent, during that time, on public business of the United States, or of this state.

Sec. 3. The governor and lieutenant governor shall be elected at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or for lieutenant governor, the two houses of the legislature shall, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor or lieutenant governor.

Sec. 4. The governor shall be general and commander in chief of all the militia, and admiral of the navy of the state. He shall have power to convene the legislature, (or the senate only), on extraordinary occasions. He shall communicate, by message, to the legislature, at every session, the condition of the state; and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

Sec. 5. The governor shall have power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment. Upon convictions for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature, at its next meeting; when the legislature shall either pardon or direct the execution of the criminal or grant a farther reprieve.

Sec. 6. In case of the impeachment of the governor, or his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall return or be acquitted. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall still continue commander in chief of all the military force of the state.

Sec. 7. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall act as governor, until the vacancy shall be filled, or the disability shall cease.

ARTICLE FOURTH.

Sec. 1. Militia officers shall be chosen, or appointed, as follows: captains, subalterns, and non-commissioned officers, shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions, by the written votes of the commissioned officers of the respective regiments and separate battalions. Brigadier generals, by the field officers of their respective brigades. Major generals, brigadier

generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or separate battalions.

Sec. 2. The governor shall nominate, and, with the consent of the senate, appoint all major generals, brigade inspectors, and chiefs of the staff departments, except the adjutant general and commissary general. The adjutant general shall be appointed by the governor.

Sec. 3. The legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

Sec. 4. The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office, unless by the senate, on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law. The present officers of the militia shall hold their commissions, subject to removal as before provided.

Sec. 5. In case the mode of election and appointment of militia officers, hereby directed, shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and provide by law for their appointment, and removal, if two thirds of the members present in each house shall concur therein.

Sec. 6. The secretary of state, comptroller, treasurer, attorney general, surveyor general, and commissary general, shall be appointed as follows: The senate and assembly shall each openly nominate one person for the said offices respectively; after which they shall meet together, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators and members of assembly. The treasurer shall be chosen annually. The secretary of state, comptroller, attorney general, surveyor general, and commissary general, shall hold their offices for three years, unless sooner removed by concurrent resolution of the senate and assembly.

Sec. 7. The governor shall nominate, by message, in writing, and, with the consent of the senate, shall appoint all judicial officers, except justices of the peace, who shall be appointed in manner following, that is to say: The board of supervisors in every county in this state shall, at such times as the legislature may direct, meet together; and they, or a majority of them, so assembled, shall nominate so many persons as shall be equal to the number of justices of the peace to be appointed in the several towns in the respective counties. And the judges of the respective county courts, or a majority of them, shall also meet and nominate a like number of persons; and it shall be the duty of the said board of supervisors and judges of county courts to compare such nominations, at such time and place as the legislature may direct: and if, on such comparison, the said boards of supervisors and judges of county courts shall agree in their nominations, in all or in part, they shall file a certificate of the nominations in which they shall agree, in the office of the clerk of the county; and the person or persons named in such certificates shall be justices of the peace: and, in case of disagreement, in whole or in part, it shall be the farther duty of the said boards of supervisors and judges, respectively, to transmit their said nominations, so far as they disagree in the same, to the governor, who shall select from the said nominations, and appoint, so many justices of the peace as shall be requisite to fill the vacancies. Every person appointed a justice of the peace, shall hold his office for four years, unless removed by the county court, for causes particularly assigned by the judges of the said court. And no justice of the peace shall be removed, until he shall have notice of the charges made against him, and an opportunity of being heard in his defence.

Sec. 8. Sheriffs, and clerks of counties, including the register and clerk of the city and county of New-York, shall be chosen by the electors of the respective counties, once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time; and, in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff: and the governor may remove any such sheriff, clerk or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk or register, a copy of the charge against him, and an opportunity of being heard in his defence, before any removal shall be made.

Sec. 9. The clerks of courts, except those clerks whose appointment is provided for in the preceding section, shall be appointed by the courts of which they respectively are clerks; and district attorneys by the county courts. Clerks of courts and district attorneys shall hold their offices for three years, unless sooner removed by the courts appointing them.

Sec. 10. The mayors of all the cities in this state shall be appointed annually by the common councils of the respective cities.

Sec. 11. So many coroners as the legislature may direct, not exceeding four in each county, shall be elected in the same manner as sheriffs, and shall hold their offices for the same term, and be removable in like manner.

Sec. 12. The governor shall nominate, and, with the consent of the senate, appoint masters and examiners in chancery; who shall hold their offices for three years, unless sooner removed, by the senate, on the recommendation of the governor. The registers and assistant registers shall be appointed by the chancellor, and hold their offices during his pleasure.

Sec. 13 The clerk of the court of oyer and terminer, and general sessions of the peace, in and for the city and county of New-York, shall be appointed by the court of general sessions of the peace in said city, and hold his office during the pleasure of the said court: and such clerks and other officers of courts, whose appointment is not herein provided for, shall be appointed by the several courts, or by the governor, with the consent of the senate, as may be directed by law.

Sec. 14. The special justices, and the assistant justices, and their clerks, in the city of New-York, shall be appointed by the common council of the said city; and shall hold their offices for the same term that the justices of the peace, in the other counties of this state, hold their offices, and shall be removable in like manner.

Sec. 15. All officers heretofore elective by the people, shall continue to be elected; and all other officers, whose appointment is not provided for by this constitution, and all officers, whose offices may be hereafter created by law, shall be elected by the people, or appointed, as may, by law, be directed.

Sec. 16. Where the duration of any office is not prescribed by this constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

ARTICLE FIFTH.

Sec. 1. The court for the trial of impeachments, and the correction of errors, shall consist of the president of the senate, the senators, the chancellor, and the justices of the supreme court, or the major part of them; but when an impeachment shall be prosecuted against the chancellor, or any justice of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal; and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought, on a judgment of the supreme court, the justices of that court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

Sec. 2. The assembly shall have the power of impeaching all civil officers of this state for mal and corrupt conduct in office, and for high crimes and misdemeanors: But a majority of all the members elected, shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence: and no person shall be convicted without the concurrence of two thirds of the members present. Judgment, in cases of impeachment, shall not extend farther than the removal from office, and disqualification to hold, and enjoy, any office of honor, trust, or profit, under this state; but, the party convicted, shall be liable to indictment and punnishment, according to law.

Sec. 3. The chancellor and justices of the supreme court shall hold their offices, during good behavior, or until they shall attain the age of sixty years.

Sec. 4. The supreme court shall consist of a chief justice, and two justices, any of whom may hold the court.

Sec. 5. The state shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration, by the legislature, from time to time, as the public good may require; for each of which a circuit judge shall be appointed in the same manner, and hold his office by the same tenure, as the justices of the supreme court; and who shall possess the powers of a justice of the supreme court at chambers, and in the trial of issues joined in the supreme court; and in courts of oyer and terminer and gaol delivery. And such equity powers may be vested in the said circuit judges, or in the county courts, or in such other subordinate courts, as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor.

Sec. 6. Judges of the county courts, and recorders of cities, shall hold their offices for five years, but may be removed by the senate, on the recommendation of the governor, for causes to be stated in such recommendation.

Sec. 7. Neither the chancellor, nor justices of the supreme court, nor any circuit judge, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for the chancellor, or a justice of the supreme court, or circuit judge, during his continuance in his judicial office, shall be void.

ARTICLE SIXTH.

Sec. 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may, by law, be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear, (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of according to the best of my ability.

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

ARTICLE SEVENTH.

Sec. 1. No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

Sec. 2. The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate forever; and no new court shall be instituted, but such as shall proceed according to the course of the common law; except such courts of equity, as the legislature is herein authorized to establish.

Sec. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state, to all mankind; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace, or safety of this state.

Sec. 4. *And whereas* the ministers of the gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their func-

tions; therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding, any civil or military office or place within this state.

Sec. 5. The militia of this state shall, at all times hereafter, be armed and disciplined, and in readiness for service; but all such inhabitants of this state, of any religious denomination whatever, as, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, by paying to the state an equivalent in money; and the legislature shall provide, by law, for the collection of such equivalent, to be estimated according to the expense, in time and money, of an ordinary able bodied militia man.

Sec. 6. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 7. No person shall be held to answer for a capital, or otherwise infamous crime, (except in cases of impeachment, and in cases of the militia, when in actual service, and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature), unless on presentment, or indictment of a grand jury; and in every trial on impeachment or indictment, the party accused shall be allowed counsel as in civil actions. No person shall be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law: Nor shall private property be taken for public use, without just compensation.

Sec. 8 Every citizen may freely speak, write and publish, his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain, or abridge, the liberty of speech, or of the press. In all prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 9. The assent of two thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public monies or property, for local or private purposes, or creating, continuing, altering, or renewing any body politic or corporate.

Sec. 10. The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States, which shall hereafter be sold or disposed of, together with the fund denominated the common school fund, shall be and remain a perpetual fund; the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state. Rates of toll, not less than those agreed to by the canal commissioners, and set forth in their report to the legislature of the twelfth of March, one thousand eight hundred and twenty-one, shall be imposed on, and collected from, all parts of the navigable communications between the great western and northern lakes and the Atlantic ocean, which now are, or hereafter shall be made and completed: And the said tolls, together with the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; and the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the said act; and the amount of the revenue, established by the act of the legislature of the thirtieth of March, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers, shall be and remain inviolably appropriated and applied to the completion of such navigable communications, and to the payment of the interest, and reimbursement of the capital, of the money already borrowed, or which hereafter shall be borrowed to make and complete the same. And neither the rates of toll on the said navigable communications; nor the duties on the manufacture of salt aforesaid; nor the duties on goods sold at auction, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; nor the amount of the revenue, established by the act of March the thirtieth, one thousand eight hundred and twenty, in lieu of the tax upon steam boat passengers; shall be reduced or diverted, at any time, before the full and complete payment of the principal and interest of the money borrowed, or to be borrowed, as aforesaid. And the legislature shall never sell, or dispose of the salt springs belonging to this state, nor the lands contiguous thereto, which may be necessary or convenient for their use, nor the said navigable communications, or any part or section thereof; but the same shall be, and remain the property of this state.

Sec. 11. No lottery shall hereafter be authorized in this state; and the legislature shall pass laws to prevent the sale of all lottery tickets within this state, except in lotteries already provided for by law.

Sec. 12. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of, or with the Indians in this state, shall be valid, unless made under the authority and with the consent of the legislature.

Sec. 13. Such parts of the common law, and of the acts of the legislature of the colony of New-York, as, together, did form the law of the said colony on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New-York, in force on the twentieth day of April, one thousand seven hundred and seven-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

Sec. 14. All grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void: but nothing contained in this constitution, shall affect any grants of land within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

ARTICLE EIGHTH.

Sec. 1. Any amendment, or amendments, to this constitution, may be proposed in the senate or assembly, and, if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published for three months previous to the time of making such choice; and if, in the legislature next chosen as aforesaid, such proposed amendment, or amendments, shall be agreed to, by two-thirds of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment, or amendments, to the people, in such manner and at such time as the legislature shall prescribe: and, if the people shall approve and ratify such amendment, or amendments, by a majority of the electors, qualified to vote for members of the legislature, voting thereon, such amendment, or amendments, shall become part of the constitution.

ARTICLE NINTH.

Sec. 1. This constitution shall be in force from the last day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same, which relate to the right of suffrage; the division of the state into senate-districts; the number of members of the assembly to be elected in pursuance of this constitution; the apportionment of members of assembly; the elections hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; the continuance of the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty three; and the prohibition against authorizing lotteries; the prohibition against appropriating the public monies, or property, for local or private purposes, or creating, continuing, altering or renewing any body politic or corporate, without the assent of two-thirds of the members elected to each branch of the legislature, shall be in force and take effect from the last day of February next. The members of the present legislature shall, on the first Monday of March next, take and subscribe an oath, or affirmation, to support the constitution, so far as the same shall then be in force. Sheriffs, clerks of counties, and coroners, shall be elected at the election hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; but they shall not enter on the duties of their offices before the first day of January then next following. The commissions of all persons holding civil offices on the last day of December, one thousand eight hundred and twenty-two, shall expire on that day; but the officers then in commission may, respectively, continue to hold their said offices until new appointments or elections shall take place under this constitution.

Sec. 2. The existing laws, relative to the manner of notifying, holding and conducting elections, making returns and canvassing votes, shall be in force and observed, in respect to the elections hereby directed to commence on the first Monday of November in the year one thousand eight hundred and twenty-two, so far as the same are applicable. And the present legislature shall pass such other and further laws as may be requisite for the execution of the provisions of this constitution in respect to elections.

Done in convention, at the capitol in the city of Albany, the tenth day of November, in the year one thousand eight hundred and twenty-one, and of the independence of the United States of America, the forty-sixth.

In witness whereof, we have hereunto subscribed our names,

DANIEL D. TOMPKINS, *President*,
and delegate from the county of Richmond.

John F. Bacon, *Samuel S. Gardiner*, } Secretaries.

DELEGATES.

Ezekiel Bacon	Jacobus Dyckman	Alexander Livingston
Jirah Baker	A. Eastwood	Peter R. Livingston
Elisha Barlow	Ogden Edwards	James McCall
Barak Beckwith	James Fairlie	Peter Millikin
V. Birdseye	Jason Fenton	Usher H. Moore
John Bowman	Augustus F. Ferris	Peter Jay Munro
Olney Briggs	Joel Frost	Samuel Nelson
David Brinkerhoff	John Hallock, jun.	William Park
David Buel, jun.	James L. Hogeboom	Wm. Paulding, jun.
David Burroughs.	Parley E. Howe	Jarvis K. Pike
Matthew Carpenter	Ransom Hunt	Nathaniel Pitcher
Nathan Carver	Isaac Hunting	Augustus Porter
Ameri Case	James Hunter	Charles Pumpelly
Salmon Child	H. Huntington	Jacob Radcliff
Daniel Clark	Timothy Hurd	John Reeve
Joseph Clyde	Rufus King	John Richards
Eli Collins	John Knowles	Jeremy Rockwell
John Cramer	Sanders Lansing	Edward Rogers
J. Dubois	John L. Lawrence	Erastus Root
John Duer	John Lefferts	Robert S. Rose

John Z. Ross	Peter Stagg,	Samuel G. Verbryck
James Rosebrugh	Asa Starkweather	Jonathan Ward
Samuel Russell	Hiram Steele	Elizur Webster
Ebenezer Sage	Jacob Sutherland	P. H. Wendover
Nathan Sanford	Philetus Swift	H. Wheaton
Reuben Sanford,	Nathan Taylor	Melancton Wheeler
Abraham H. Schenck	Egbert Ten Eyck	N. Williams
Nath'l Seamen	Richard Townley	John W. Woods
Jonas Seely	Wm. Townsend	B. Woodward
Peter Sharpe	Jehiel Tuttle	Sherman Wooster
Alexander Sheldon	M. V. Bueren	Henry Yates, jun.
Joshua Smith	Joshua Van Fleet	Samuel Young
Richard Smith		

State of New-York, secretary's office,
Albany, November 10, 1821.

I, John V. N. Yates, secretary of the state of New-York, do hereby certify, that the foregoing is a true copy of the engrossed constitution of the said state, as adopted in convention this day, and deposited of record in this office.

J. V. N. YATES, *Secretary of state.*

RESOLUTIONS.

In the convention of the people of the state of New-York, assembled at Albany, on the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and twenty-one, pursuant to an act of the legislature of the said state, entitled "an act recommending a convention of the people of this state," passed March 13th, 1821:

Resolved, That the preceding amended constitution of this state be submitted together, and not in distinct parts, to the decision of the citizens of this state; and if the said amended constitution be ratified by the citizens, in the manner hereinafter prescribed, the same shall become the constitution of this state.

Resolved, That an election be held in the several towns and wards in this state on the third Tuesday of January next, and be continued, by adjournment, from day to day, for three days successively, including the first; at which election, the citizens, qualified as voters by the act aforesaid, may vote, by ballot, for or against the said amended constitution. And on such of the said ballots as are for the said amended constitution, shall be written or printed the word "Yes," and on those which are against the said amended constitution, the word "No."

That the officers of the several towns in this state, authorized to act as inspectors of the election for senators, and the persons who may be appointed in the several cities in this state for the purpose, shall be the inspectors of the election hereby directed; and that the said election shall, in all things, be conducted in like manner, as nearly as may be, as is prescribed in and by the fourth, fifth and seventh sections of the act, entiled "an act for regulating elections," passed March 29, 1813; and in and by the second section of the act, entitled "an act recommending a convention of the people of this state," passed March 13th, 1821; and in and by the act, entitled "an act to amend an act, entitled 'an act for regulating elections,' passed March 29th, 1813," passed April 11th, 1815. And that the votes given at such election shall be canvassed by the inspectors of the several polls; and returns of the said votes shall be made, by the said inspectors, to the clerks of the respective towns and counties; and certificates of such returns shall be recorded by the said clerks, and transcripts of such certificates shall be certified and delivered to the secretary of state, in like manner, as nearly as may be, as is prescribed in and by the sixteenth section of the act entitled "an act for regulating elections," passed March 29, 1813, in relation to votes given for senators.

That the transcripts, last mentioned, having been received by the secretary of state from the clerks of the respective counties, shall remain in his office of record; and the said secretary, the surveyor-general, the attorney-general, the comptroller and treasurer of this state, or any three of them, shall, on the 15th day of February next, assemble at the office of the said secretary and proceed to calculate and ascertain the whole number of votes given at such election for and against the said amended constitution; and shall, thereupon, within six days thereafter, determine, conformably to such transcripts, the number of votes given for and against the amended constitution, respectively, and whether a majority of the said votes are for or against the said amended constitution. And they shall, without delay, make and subscribe, with their proper names, a certificate of such determination, and file the same in the office of the secretary of state, which shall remain therein of record; and shall, without delay, cause to be delivered a true copy thereof, so subscribed as aforesaid, to the president of this convention; to the person administering the government of this state; to the president of the senate, and to the speaker of the house of assembly; and shall also cause a copy of such certificate to be published in the newspaper printed by the printers to this state. And if it shall appear, by the said canvass last mentioned, that the majority of votes, given and returned as aforesaid, are against the amended constitution, then the said amended constitution shall be deemed to be rejected by the citizens of this state: but, if a majority of the said votes are for the amended constitution, then the same shall be deemed to be ratified and confirmed by the citizens of this state.

Resolved, That five thousand copies of these resolutions, with the amended constitution subjoined, be printed; and that the comptroller cause the same to be transmitted, without delay, at the expense of the state, to the county clerks; whose duty it shall be to distribute the same among the different towns.

Resolved, That five thousand copies of the address of the convention to their constituents, be printed and distributed in like manner; and that two copies of the amended constitution be transmitted by the comptroller, by mail, to each of the delegates to the convention.

By order of the convention,
DANIEL D. TOMPKINS, *President*,
and delegate from Richmond county.

John F. Bacon,
Samuel S. Gardiner, } Secretaries.

State of New-York, secretary's office,
Albany, November 10, 1821.

I certify the preceding to be a true copy of certain resolutions of the convention of this state, filed this day in this office.

J. V. N. YATES, *Secretary of state.*

CHRONICLE.

Gen. Jackson has been elected grand master of masons in Tennessee.

Mr. *Randolph* has arrived at New York from England.

Counterfeiters. A gang of counterfeiters, consisting of six men and two women, lately took up their abode in a retired house in Wilmington, Del. Their conduct excited suspicion—and finally, with great address, five of the men and one of the women were taken. They had the amount of 50,000 dollars in counterfeit and spurious notes, and an apparatus for the manufacture of half-dollars out of base metals. The notes were chiefly 20 dollar bills of the bank of Wilmington and Brandywine, 10's of the bank of New Brunswick, and 5's of the Franklin bank of Baltimore—all easy to be detected with care: but they had altered and circulated many *three* dollar notes of the Philadelphia bank as *twenties*, which are not easily guarded against. Those arrested were committed to jail, and the pursuit was hot after the man and woman who had escaped.

There are many counterfeits, 10's and 5's, of the Farmers bank of Alexandria, now afloat—3's on the Washington bank of Rhode Island, and 5's on the Suffolk bank, Massachusetts.

Massachusetts. Mr. Daniel Webster has been elected to the next congress from the Boston district, by a large majority, in opposition to Mr. Putnam, supported by the "middling interest."

New York. After a most active contest, Mr. P. H. Wendover, late a member of congress, has been elected sheriff of the city and county of New York. He was opposed by Mr. Noah, late sheriff, and editor of the "Advocate." For Mr. W. 3826, for Mr. N. 2493—majority 1333.

Judge Yates is elected governor, without an opposition worth notice. Mr. Southwick received 25 votes in the city of New York—judge Yates nearly 5000. Gen. Root is, no doubt, elected lieut. governor by an exceedingly great majority; Mr. Huntingdon had 688 votes in the city—gen R. 4074.

South Carolina. Mr. Lowndes, on account of ill health, has resigned his seat in congress.

Georgia. The congressional election returns are all received. The representation to the 18th congress will be composed of Messrs. Forsyth, Tatnall, Abbott, Cobb, Thompson, Carey and Cuthbert.

Kentucky. Col. R. M. Johnson has been re-elected a senator of the United States, for six years from the 4th March next, without opposition.

Ohio. Members elect of the 18th congress—James W. Gazlay, *Thomas R. Ross, William McLean, *Joseph Vance; *J. W. Campbell, Duncan McArthur, Mordecai Bartley, S. F. Vinton, William Wilson, Philemon Beecher, John Patterson, John C. Wright, Elisha Whittlesey, *John Sloane. This state, at present, has only six members; those marked with a star are re-elected.

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